

United States District Court
for the
District of New Hampshire

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Robin Goss

Case Number: 99-CR-94-M, 99-CR-112-04-M

Name of Sentencing Judicial Officer: Hon. Steven J. McAuliffe

Date of Original Sentence: September 22, 2000

Original Offense: Possession with Intent to Distribute Cocaine Base, Conspiracy to Distribute Cocaine and Cocaine Base.

Original Sentence: 48 months BOP followed by five years supervised release.

Type of Supervision: Supervised Release Date Supervision Commenced: February 24, 2003

Asst. U.S. Attorney: Mark Irish, Esq. Defense Attorney: Steven A. White, Esq.

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer, being duly sworn, believes based upon the facts set forth in the attached affidavit that the offender has violated the following condition(s) of supervision:

Violation No: Condition:Nature of the Violation:

1

VIOLETION OF MANDATORY
 CONDITION: You shall not commit
 another federal, state or local crime.

In that, the supervisee did illegally possess a controlled substance, to wit: cocaine, as evidenced by a urinalysis test collected from her on December 3, 2005, which returned with positive results for the presence of cocaine metabolites, in violation of 21 U.S.C. § 844(a).

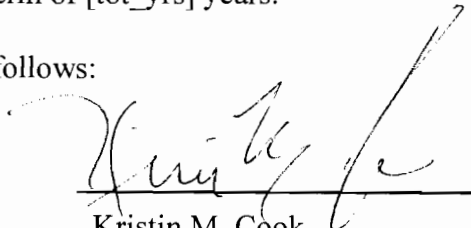
U.S. Probation Officer Recommendation:

Please refer to attached memorandum.

The term of supervision should be:

- ☒ Revoked
☐ Extended for [yrs] year(s), for a total term of [tot_yrs] years.

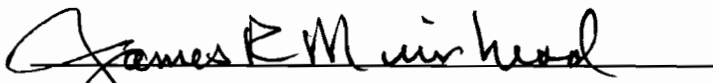
- ☐ The conditions of supervision should be modified as follows:


 Kristin M. Cook
 U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant / Matter Sealed Pending Arrest
- ☐ The Issuance of a Summons
- ☐ Other

Subscribed and sworn before me this 14th day
of December, 2005 at Concord, New Hampshire.


James R. Muirhead
United States Magistrate Judge



**UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire**

MEMORANDUM

DATE: December 14, 2005

TO: Honorable James R. Muirhead
U.S. Magistrate Judge

FROM: Kristin M. Cook *KMC*
U.S. Probation Officer

SUBJECT: Robin Goss
Dkt. # 99-CR-94-M, 99-CR-112-04-M

Current Address:
570 Hooksett Road
Auburn, NH 03032

Notice of Violation and Affidavit in Support of Warrant

INTRODUCTION

I, Kristin M. Cook, a U.S. Probation Officer for the District of New Hampshire, being duly sworn, do depose and state the following:

On the basis of the following information, I believe there is probable cause to believe that Robin Goss, an individual on supervised release pursuant to Court order in the District of New Hampshire, has violated the general condition that she not commit another Federal, state or local crime as set forth below and in the attached Probation Form 12C (Petition for Warrant or Summons).

The statements contained in the Affidavit are based, in part, on information provided by Scientific Testing Lab, Richmond, VA, contact with the releasee's substance abuse therapist, Lynn Knox, of Southeastern New Hampshire Services, Dover, NH, and on my experience and training as a United States Probation Officer.

Robin Goss was sentenced in this Court on September 22, 2000, following her guilty plea to Count I: Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841(a)(1); and, Count II: Conspiracy to Distribute Cocaine and Cocaine Base, in violation of 21 U.S.C. § 841(a)(1). Goss was sentenced to a 48 month term of imprisonment followed by five years supervised release with special conditions for substance abuse treatment and testing with no alcohol provision and mental health counseling.

During her term of incarceration, Goss participated in the 500 hour comprehensive RDAP program through the Bureau of Prisons but was expelled during Phase II of the program. Upon

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her release from imprisonment, Goss was referred for outpatient substance abuse services through Southeastern New Hampshire Services in Dover, NH. She was also placed in the District's code-a-phone program, which requires reporting in daily by phone for drug testing instructions. On October 23, 2002, Goss was instructed as to the District's random urine surveillance program. She acknowledged understanding of these conditions as evidenced by her signature on said form.

On February 24, 2003, Goss was released from the custody portion of her sentence to our supervision. Since that time, she has maintained stable employment and residence. She currently resides in Auburn, NH and is employed as a waitress.

On March 17, 2005, this officer filed a Notice of Violation/No Action Requested. The basis for that report was Goss' use of crack cocaine, her failing to respond truthfully to this officer, and her association with a convicted felon. Based on this information, Goss was subsequently referred back to Southeastern New Hampshire Services for outpatient substance abuse counseling services, placed in the District's Code-a-Phone drug testing program, and issued a written warning. This motion was approved by Your Honor on March 18, 2005.

On April 20, 2005, this officer received results from a urinalysis test submitted by Goss. The sample was submitted on April 8, 2005 and returned with positive results for the presence of cocaine. On April 21, 2005, Goss reported to the Concord office as directed. At that time, she admitted that she had continued to use crack cocaine two to three times per week with her last use being on or about April 19, 2005. She then stated that she had contacted the Crisis Center at Southeastern New Hampshire Services that morning and had inquired about placement into their inpatient substance abuse treatment program. While in the probation office, Goss participated in a phone intake interview and was accepted into their program. Goss entered this program as instructed on April 22, 2005 with the understanding that she must follow any and all recommendations made by her therapist for treatment.

On April 25, 2005, this officer filed a Notice of Violation/No Action Requested based on the afore-mentioned conduct. At that time, this officer recommended that Goss be provided an opportunity to participate in the in-patient substance abuse treatment program at Southeastern New Hampshire Services which she voluntarily entered on April 22, 2005. This motion was approved by Your Honor on April 26, 2005.

On June 6, 2005, this Officer was notified by a therapist at the Southeastern New Hampshire Services in-patient program that Goss was being discharged from their program due to infractions of their program rules. Specifically, despite several warnings to discontinue, Goss continued to correspond with her boyfriend, Dana Doucette, via U.S. mail. Doucette is currently serving time at the New Hampshire State Prison due to a violation of parole and new criminal charges. Goss was directed to discontinue this correspondence but chose not to.

On June 8, 2005, this office filed a Notice of Violation/No Action Requested based on the afore-mentioned conduct. At that time, this officer recommended that Goss be provided an opportunity to participate in out-patient substance abuse treatment program at Southeastern New Hampshire Services. Thereafter, on June 14, 2005, the Court approved a recommended course of action that Goss be continued on supervision and referred for outpatient substance abuse treatment services and participation in the AA/NA program.

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FACTS

On December 12, 2005, this office received notification from our contracted drug testing laboratory that a urine specimen submitted by Goss on December 3, 2005 returned with a positive result for cocaine metabolites. On December 12, 2005, contact was made with Goss' substance abuse therapist, Lynn Knox, Southeastern New Hampshire Services, Dover, NH to inquire as to Goss' progress in treatment and to discuss the positive drug screen. Ms. Knox indicated that she was surprised by this information as Goss had not expressed any relapse issues during recent individual counseling sessions, nor did she indicate a need for increased services. Furthermore, when Goss was confronted by Ms. Knox regarding the positive test result, she adamantly denied any use of cocaine.

CONCLUSION

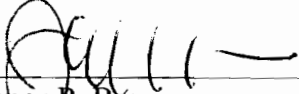
Robin Goss is currently under our supervision as a result of her conviction for her involvement in a major distribution of crack cocaine case out of the Dover, NH area. She also has an extensive prior criminal record with numerous substance abuse related offenses. At the time of her sentencing, Goss admitted to committing these offenses as a means to support her crack cocaine addiction. At the time of her most recent positive urinalysis test, Goss was enrolled in individual substance abuse counseling. Despite this fact, she has failed to inform her current therapist of her relapse to the use of cocaine, has not accepted responsibility for her actions, and has not sought additional services.

Based on these facts, as well as this officer's fear that Goss' conduct will escalate to a full blown relapse and return to criminal activity as a means to support her drug addiction, the probation officer is respectfully recommending that a warrant be issued and a violation hearing scheduled to consider whether or not a return to custody might be an appropriate sanction at this time. The probation office also requests that the warrant issued pursuant to this affidavit be ordered sealed at Level II.

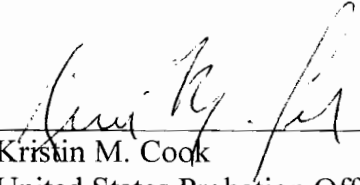
If the Court is in agreement with this recommended course of action, please so indicate by signing the attached Probation Form 12C, Petition for Warrant or Summons for Offender Under Supervision. The probation officer is available at the Court's convenience should the Court have any questions regarding this matter.

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Reviewed by,



James P. Bernier
Supervising U.S. Probation Officer



Kristin M. Cook
United States Probation Officer

Subscribed and sworn before me this 14th day of December, 2005, at Concord, New Hampshire.



James R. Muirhead
United States Magistrate Judge